



**BILLING CODE: 4510-26-P**

**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

**[Docket No. OSHA-2013-0012]**

**Proposed Modification to the List of Appropriate NRTL Program Test Standards and the Scope of Recognition of Several NRTLs**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice.

**SUMMARY:** In this notice, OSHA proposes to: add new test standards to the Nationally Recognized Testing Laboratories (NRTL) Program's list of appropriate test standards; delete or replace several test standards from the NRTL Program's list of appropriate test standards; and modify the scope of recognition of several NRTLs.

**DATES:** Submit comments, information, and documents in response to this notice, or request for an extension of time to make a submission, on or before **[INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**ADDRESSES:** Submit comments by any of the following methods:

*Electronically:* You may submit comments and attachments electronically at: <https://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

*Docket:* To read or download comments or other material in the docket, go to <http://www.regulations.gov>. Documents in the docket are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the

OSHA Docket Office. Contact the OSHA Docket Office at (202) 693-2350 (TTY (877) 889-5627) for assistance in locating docket submissions.

*Instructions:* All submissions must include the agency name and the OSHA docket number for this *Federal Register* notice (OSHA-2013-0012). OSHA will place comments and requests to speak, including personal information, in the public docket, which may be available online. Therefore, OSHA cautions interested parties about submitting personal information such as Social Security numbers and birthdates. For further information on submitting comments, see the “Public Participation” heading in the section of this notice titled “**SUPPLEMENTARY INFORMATION.**”

*Extension of comment period:* Submit requests for an extension of the comment period on or before **[INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]** to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-3653, Washington, DC 20210, or by fax to (202) 693-1644.

**FOR FURTHER INFORMATION CONTACT:** Information regarding this notice is available from the following sources:

*Press inquiries:* Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, telephone: (202) 693-1999; email: [meilinger.francis2@dol.gov](mailto:meilinger.francis2@dol.gov).

*General and technical information:* Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, telephone: (202) 693-2110 or email: [robinson.kevin@dol.gov](mailto:robinson.kevin@dol.gov).

**SUPPLEMENTARY INFORMATION:**

## **I. Background**

The NRTL Program recognizes organizations that provide product-safety testing and certification services to manufacturers. These organizations perform testing and certification for purposes of the program, to U.S. consensus-based product-safety test standards. The products covered by the NRTL Program consist of those items for which OSHA safety standards require "certification" by a NRTL. The requirements affect electrical products and 36 other types of products. OSHA does not develop or issue these test standards, but generally relies on standards development organizations (SDOs), which develop and maintain the standards using a method that provides for input and consideration of views of industry groups, experts, users, consumers, governmental authorities, and others having broad experience in the safety field involved.

### **A. Addition of New Test Standards to the NRTL List of Appropriate Test Standards**

Periodically, OSHA will add new test standards to the NRTL list of appropriate test standards following an evaluation of the test standard document. To qualify as an appropriate test standard, the agency evaluates the document to (1) verify it represents a product category for which OSHA requires certification by a NRTL, (2) verify the document represents an end product and not a component, and (3) verify the document defines safety test specifications (not installation or operational performance specifications). OSHA becomes aware of new test standards through various avenues. For example, OSHA may become aware of new test standards by: (1) monitoring notifications issued by certain SDOs; (2) reviewing applications by NRTLs or applicants seeking recognition to include a new test standard in their scope of recognition; and (3) obtaining notification from manufacturers, manufacturing organizations, government agencies, or other parties that a new test standard may be appropriate to add to the list of appropriate standards. OSHA may determine to include a new test standard in the list,

for example, if the test standard is for a particular type of product that another test standard also covers, addresses a type of product that no standard previously covered, or is otherwise new to the NRTL Program.

## **B. SDO Deletion and Replacement of Test Standards**

The NRTL Program regulations require that appropriate test standards be maintained and current (29 CFR 1910.7(c)). A test standard withdrawn by an SDO is no longer considered an appropriate test standard (CPL 01-00-004, NRTL Program Policies, Procedures and Guidelines Directive (NRTL Program Directive), Ch. 2.IX.C.1). It is OSHA's policy to remove recognition of withdrawn test standards by issuing a correction notice in the *Federal Register* for all NRTLs recognized for the withdrawn test standards (Id.). However, SDOs frequently will designate a replacement standard for withdrawn standards. OSHA will recognize a NRTL for an appropriate replacement test standard if the NRTL has the requisite testing and evaluation capability for the replacement test standard (NRTL Program Directive, Ch. 2.IX.C.2).

One method that NRTLs may use to show such capability involves an analysis to determine whether any testing and evaluation requirements of existing test standards in a NRTL's scope are comparable (i.e., are completely or substantially identical) to the requirements in the replacement test standard (NRTL Program Directive, Ch. 2.IX.C.3). If OSHA's analysis shows the replacement test standard does not require additional or different technical capability than an existing test standard(s), and the replacement test standard is comparable to the existing test standard(s), then OSHA can add the replacement test standard to affected NRTLs' scope of recognition. If OSHA's analysis shows the replacement test standard requires an additional or different technical capability, or the replacement test standard is not comparable to any existing test standards, each affected NRTL seeking to have OSHA add the replacement test standard

to the NRTL's scope of recognition must provide information to OSHA that demonstrates technical capability (NRTL Program Directive, Ch. 2.IX.D).

### **C. Other Reasons for Removal of Test Standards from the NRTL List of Appropriate Test Standards**

OSHA may choose to remove a test standard from the NRTL list of appropriate test standards based on an internal review in which NRTL Program staff review the NRTL list of appropriate test standards to determine if the test standards conform to the definition of an appropriate test standard defined in NRTL Program regulations and policy. There are several reasons for removing a test standard based on this review. First, a document that provides the methodology for a single test is a test method rather than an appropriate test standard (29 CFR 1910.7(c)). A test standard must specify the safety requirements for a specific type of product(s) (NRTL Program Directive, Ch. 2.VIII.C.1). A test method, however, is a specified technical procedure for performing a test. As such, a test method is not an appropriate test standard. While a NRTL may use a test method to determine if certain safety requirements are met, a test method is not itself a safety requirement for a specific product category.

Second, a document that focuses primarily on usage, installation, or maintenance requirements, and not safety requirements (i.e., features, parts, capabilities, usage limitations, or installation requirements that would create a potential hazard in operating the equipment if not properly used), would also not be considered an appropriate test standard (NRTL Program Directive, Ch. 2.VIII.C.1). In some cases, however, a document may also provide safety test specifications in addition to usage, installation, and maintenance requirements. In such cases, the document would be retained as an appropriate test standard based on the safety test specifications.

Finally, a document may not be considered an appropriate test standard if the document covers products for which OSHA does not require testing and certification

(NRTL Program Directive, Ch. 2.VIII.C.2). Similarly, a document that covers electrical product components would not be considered an appropriate test standard. These documents apply to types of components that have limitation(s) or condition(s) on their use, which are not appropriate for use as end-use products. These documents also specify that these types of components are for use only as part of an end-use product. NRTLs, however, evaluate such components only in the context of evaluating whether end-use products requiring NRTL approval are safe for use in the workplace. Accordingly, as a matter of policy, OSHA considers that documents covering such components are not appropriate test standards under the NRTL Program. OSHA notes, however, that it is not proposing to delete from NRTLs' scope of recognition any test standards covering end-use products that contain such components.

In addition, OSHA notes that, to conform to a test standard covering an end-use product, a NRTL must still determine that the components in the product comply with the components' specific test standards. In making this determination, NRTLs may test the components themselves, or accept the testing of a qualified testing organization that a given component conforms to the particular test standard. OSHA reviews each NRTL's procedures to determine which approach the NRTL will use to address components, and reviews the end-use product testing to verify that the NRTL appropriately addresses that product's components.

## **II. Proposal to Delete Test Standards from the NRTL Program's List of Appropriate Test Standards and Incorporate into the List of Appropriate Test Standards A Replacement Test Standard For A Withdrawn Test Standard.**

In this notice, OSHA proposes to delete several test standards from the NRTL Program's list of appropriate test standards. OSHA also proposes to incorporate into the NRTL Program's list of appropriate test standards a replacement test standard for a withdrawn test standard.

Table 1 lists the test standards that OSHA proposes to delete from the NRTL Program's List of Appropriate Test Standards, as well as an abbreviated rationale for OSHA's proposed action. Additionally, Table 1 lists the replacement test standard that OSHA proposes to incorporate into the NRTL Program's List of Appropriate Test Standards. OSHA seeks comment on this preliminary determination.

OSHA notes that Table 1 lists the subject test standards and the proposed action with regard to each of these test standards without indicating how the proposed action will affect individual NRTLs. Section III of this notice discusses how the proposed action will affect individual NRTLs.

**Table 1**  
**Test Standards OSHA Is Proposing to Remove from NRTL Program's**  
**List of Appropriate Test Standards**

<b>Proposed Deleted Test Standard</b>	<b>Test Standard Title</b>	<b>Reason for Deletion</b>	<b>Proposed Replacement Standard(s)</b>
UL 2231-1	Personnel Protection Systems for Electric Vehicle (EV) Supply Circuits: General Requirements	Standard is component standard and not an end-product standard. It does not meet the requirements of the NRTL Program.	None
UL 2231-2	Personnel Protection Systems for Electric Vehicle (EV) Supply Circuits: Particular Requirements for Protection Devices for Use in Charging Systems	Standard is component standard and not an end-product standard. It does not meet the requirements of the NRTL Program.	None
UL 224	Extruded Insulating Tubing	Standard is component standard and not an end-product standard. It does not meet the	None

<b>Proposed Deleted Test Standard</b>	<b>Test Standard Title</b>	<b>Reason for Deletion</b>	<b>Proposed Replacement Standard(s)</b>
		requirements of the NRTL Program.	
UL 969	Marking and Labeling Systems	Standard is component standard and not an end-product standard. It does not meet the requirements of the NRTL Program.	None
UL 1332	Organic Coatings for Steel Enclosures for Outdoor Use Electrical Equipment	Standard is component standard and not an end-product standard. It does not meet the requirements of the NRTL Program.	None
UL 1441	Coated Electrical Sleeving	Standard is component standard and not an end-product standard. It does not meet the requirements of the NRTL Program.	None
UL 1446	Systems of Insulating Materials-General	Standard is component standard and not an end-product standard. It does not meet the requirements of the NRTL Program.	None
UL 61010A-2-042	Electrical Equipment for Laboratory Use; Part 2: Particular Requirements for Autoclaves and Sterilizers Using Toxic Gas for the Treatment of Medical Materials, and for Laboratory Processes	Withdrawn and replaced	UL 61010-1 (no direct replacement for UL 61010A-2-042)



### **III. Proposed Modifications to Affected NRTLs' Scope of Recognition**

In this notice, OSHA additionally proposes to remove certain test standards (i.e., those listed in Table 1, above) from the scopes of recognition of several NRTLs and to add to the scopes of recognition of some of these NRTLs a replacement test standard, as applicable. The tables in this section (Table 2 through Table 6) list, for each affected NRTL, the test standard(s) that OSHA proposes to remove from the scope of recognition of the NRTL, along with the proposed replacement test standard (as applicable).

OSHA seeks comment on whether the proposed deletions and replacements are appropriate, and whether individual tables omit any appropriate replacement test standard that is comparable to a withdrawn test standard. If OSHA determines that it omitted any appropriate replacement test standard that is comparable to a withdrawn test standard, it will, in the final determination, incorporate that replacement test standard into the scope of recognition of each affected NRTL.

Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request, by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer time period. OSHA may deny a request for an extension if it is not adequately justified.

#### **Table 2**

**Test Standards OSHA Proposes to Remove from/Add to the Scope of Recognition of  
the**

**CSA Group Testing & Certification Inc.**

<b>Proposed Test Standard to be Removed</b>	<b>Reason for Proposed Removal</b>	<b>Proposed Replacement Test Standard(s) (if applicable)</b>
UL 224	Standard is component standard and not an end-product standard. It does not meet the requirements of the NRTL Program.	None
UL 969	Standard is component standard and not an end-product standard. It does not meet the requirements of the NRTL Program.	None
UL 1441	Standard is component standard and not an end-product standard. It does not meet the requirements of the NRTL Program.	None
UL 1446	Standard is component standard and not an end-product standard. It does not meet the requirements of the NRTL Program.	None
UL 61010A-2-042	Withdrawn and replaced	UL 61010-1 (no direct replacement)

**Table 3**

**Test Standards OSHA Proposes to Remove from/Add to the Scope of Recognition of  
Intertek Testing Services NA, Inc.**

<b>Proposed Test Standard to be Removed</b>	<b>Reason for Proposed Removal</b>	<b>Proposed Replacement Test Standard(s) (if applicable)</b>
UL 224	Standard is component standard and not an end-product standard. It does not meet the requirements of the NRTL Program.	None

<b>Proposed Test Standard to be Removed</b>	<b>Reason for Proposed Removal</b>	<b>Proposed Replacement Test Standard(s) (if applicable)</b>
UL 969	Standard is component standard and not an end-product standard. It does not meet the requirements of the NRTL Program.	None
UL 1441	Standard is component standard and not an end-product standard. It does not meet the requirements of the NRTL Program.	None
UL 1446	Standard is component standard and not an end-product standard. It does not meet the requirements of the NRTL Program.	None
UL 61010A-2-042	Withdrawn and replaced	UL 61010-1 (no direct replacement)

**Table 4**

**Test Standard OSHA Proposes to Remove from the Scope of Recognition of  
TUV Rheinland of North America, Inc.**

<b>Proposed Test Standard to be Removed</b>	<b>Reason for Proposed Removal</b>	<b>Proposed Replacement Test Standard(s) (if applicable)</b>
UL 224	Standard is component standard and not an end-product standard. It does not meet the requirements of the NRTL Program.	None

**Table 5**

**Test Standard OSHA Proposes to Remove from the Scope of Recognition of  
TUV SUD America, Inc.**

<b>Proposed Test Standard to be Removed</b>	<b>Reason for Proposed Removal</b>	<b>Proposed Replacement Test Standard(s) (if applicable)</b>
UL 969	Standard is component standard and not an end-product standard. It does not meet the requirements of the NRTL Program.	None

**Table 6**

**Test Standards OSHA Proposes to Remove from/Add to the Scope of Recognition of  
UL LLC**

<b>Proposed Test Standard to be Removed</b>	<b>Reason for Proposed Removal</b>	<b>Proposed Replacement Test Standard(s) (if applicable)</b>
UL 2231-1	Standard is component standard and not an end-product standard. It does not meet the requirements of the NRTL Program.	None
UL 2231-2	Standard is component standard and not an end-product standard. It does not meet the requirements of the NRTL Program.	None
UL 224	Standard is component standard and not an end-product standard. It does not meet the requirements of the NRTL Program.	None
UL 969	Standard is component standard and not an end-product standard. It does not meet the requirements of the NRTL Program.	None
UL 1332	Standard is component standard and not an end-product standard. It does not meet the requirements of the NRTL Program.	None
UL 1441	Standard is component standard and not an end-product standard. It does not meet the requirements of the NRTL Program.	None

<b>Proposed Test Standard to be Removed</b>	<b>Reason for Proposed Removal</b>	<b>Proposed Replacement Test Standard(s) (if applicable)</b>
UL 1446	Standard is component standard and not an end-product standard. It does not meet the requirements of the NRTL Program.	None
UL 61010A-2-042	Withdrawn and replaced	UL 61010-1 (no direct replacement)

#### **IV. Proposal to Add Test Standards to the NRTL Program's List of Appropriate Test Standards**

In this notice, OSHA also proposes to add several test standards to the NRTL Program's list of appropriate test standards. Table 7, below lists the test standards that OSHA proposes to add to the NRTL Program's List of Appropriate Test Standards. OSHA seeks comment on this preliminary determination.

**Table 7**  
**Test Standards OSHA Proposes to Add to the**  
**NRTL Program's List of Appropriate Test Standards**

<b>Test Standard</b>	<b>Test Standard Title</b>
UL 970	Standard for Retail Fixtures and Merchandise Displays
UL 62841-2-17	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery - Safety - Part 2-17: Particular Requirements for Hand-Held Routers
UL 62841-4-1	Electric Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery - Safety - Part 4-1: Particular Requirements For Chain Saws
UL 62841-4-2	Standard for Electric Motor-Operated Hand-Held Tools, Transportable Tools And Lawn And Garden Machinery - Safety - Part 4-2: Particular Requirements For Hedge Trimmers
CSA / ANSI C22.2 No. 336	Particular requirements for rechargeable battery-operated commercial robotic floor treatment machines with traction drives
UL 61730-1	Standard for Photovoltaic (PV) Module Safety Qualification - Part 1: Requirements for Construction

To review copies of comments submitted to the docket, contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. These materials will generally be available online at <http://www.regulations.gov> under Docket No. OSHA-2013-0012.

OSHA staff will review all comments to the docket submitted in a timely manner and, after addressing the issues raised by these comments, will make a recommendation to the Assistant Secretary for Occupational Safety and Health regarding the removal of recognition of these test standards from the NRTL Program's List of Appropriate Test Standards and to update the scope of recognition of several NRTLs. The Assistant Secretary will make the final decision. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7. OSHA will publish a public notice of this final decision in the *Federal Register*.

#### **V. Authority and Signature**

James S. Frederick, Acting Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to Section 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8-2020 (85 FR 58393; Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC, on August 6, 2021.

**James S. Frederick,**

*Acting Assistant Secretary of Labor for Occupational Safety and Health.*